

**Excerpt from page 112 and 113 (Response to comment) from the Final Statement of Reasons for the Working Forest Management Plan (WFMP) as it relates to Exemptions being utilized within a WFMP.**

**W1-67: Rob DiPerna, EPIC and Alan Levine, CAG (August 01, 2016)**

The proposed WFMP rules do not provide a means for the Department to regulate, verify, or enforce the provisions of a WFMP designed to ensure unevenaged management, increase standing timber inventory over time, or attain LTSY by failing to explicitly prohibit or constrain the application of exempt timber harvest activities on the WFMP footprint area pursuant to 14 CCR 1038 exemptions. The proposed rules do not prohibit exempt activities conducted pursuant to 14 CCR 1038. An exempt activity conducted pursuant to 14 CCR 1038 could allow a timberland owner to remove as much as ten (10) percent of the standing timber volume per-acre within the footprint of a WFMP Management Unit.

This consequence presents numerous problems, which are not considered or evaluated in the ISOR, as required by the FPA and CEQA. First, an exempt activity conducted pursuant to 14 CCR 1038 does not require the services of an RPF to prepare or submit the notification to the Department. Second, given the potential for participation of multiple landowners, multiple RPFs, and multiple land ownerships, it is entirely conceivable that an exempt activity could occur pursuant to 14 CCR 1038 within the footprint of an approved WFMP Management or Harvest Unit, reduce standing inventory within the exemption area by ten-percent of the volume per-acre, thus skewing the modeling and projections for LTSY. Third, given that any "person" can submit an exemption pursuant to 14 CCR 1038 for a timberland owner, it is entirely conceivable that the "person" responsible for the exemption may not be the same as the RPF(s) or "Designated Agent" responsible for the approved WFMP.

The Board has failed to provide the Department with the tools it needs to monitor, verify, and enforce the "rigorous timber inventory standards" governing a WFMP in the circumstance in which a 1038 exemption could be used. This is a failure to fully effectuate the standards of the Forest Practice Act, and AB 904. To meet AB 904's mandates, exempt activities must not be allowed in the absence of clear standards adopted by the Board to ensure their use is documented and reviewed to ensure consistency with the WFMP and its stated objectives and projections for LTSY.

**Board Response:** The purpose of an exemption is to provide a person engaging in forest management, whose activities are specified in 14 CCR § 1038, an exemption, from the plan preparation and submission requirements (PRC § 4581) and from the completion report and stocking report requirements (PRC §§ 4585 and 4587) of the FPA, for the purposes they were intended, such as to capture mortality, forest fire prevention and protection of habitable structures.

However, within the context of an approved WFMP, pursuant to § 1094.7, a WFHN must be filed prior to the harvesting of any timber and shall be effective for a maximum of one (1) year from the date of filing.

Further, pursuant 1094.8(e), a WFHN must be prepared by an RPF.

Additionally, pursuant to § 1094.29(c), the plan summary (associated with the five (5) year review) must include the number of WFHNs, acreage operated under each WFHN, the number of violations received, the number of substantial deviations received, and the volume harvested in relation to projections of harvest in the WFMP to determine if timber operations under WFHN(s) were conducted in compliance with the content and procedures in the WFMP.

Therefore, a mechanism exists to evaluate exempt activities within the footprint of a WFMP. For example, the volume harvested under an exemption may trigger the requirement that growth and yield predictions be reevaluated.

**Rule Text Edit:** No.